

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

ADAM A. REEVES (NYSB 2363877)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7157  
Facsimile: (415) 436-7234  
Adam.Reeves@usdoj.gov

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-09-70004 (EMC)
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	SCHEDULING ORDER
v.	)	
	)	
ALEXANDER JAMES TRABULSE,	)	
	)	
Defendant.	)	
	)	

WHEREAS, a Criminal Complaint was filed in this matter on January 2, 2009;

WHEREAS, the defendant was arrested and initially appeared in this matter on January 5, 2009;

WHEREAS, the Office of the Federal Public Defender entered an appearance as counsel for the defendant on January 16, 2009;

WHEREAS, Magistrate Judge LaPorte, on January 12, 2009, ordered that, pursuant to Federal Rule of Criminal Procedure 5.1, a preliminary hearing be conducted on or before March

6, 2009 before Magistrate Judge Chen unless, *inter alia*, the defendant, who is out of custody, waives the preliminary hearing or is indicted;

WHEREAS, the defendant's new counsel began to review some of the government's discovery in this case on or about February 3, 2009;

WHEREAS, the defendant's new counsel believes that additional time is necessary to review the evidence and investigate the case, and believes it is in the best interests of the defendant to do so before formal charges are filed;

WHEREAS, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1;

WHEREAS, a failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and under the circumstances the ends of justice served by a reasonable continuance outweigh the best interest of the public and the defendant in a speedy trial;

WHEREAS, the defendant consents to a continuation of the preliminary hearing and an exclusion of time until April 3, 2009; and,

THEREFORE, it is hereby stipulated by and between the parties, through their respective counsel of record, that the date for the preliminary hearing be continued to April 3, 2009 at 9:30 a.m. under Federal Rule of Criminal Procedure 5.1(d) and Title 18, United States Code, Sections 3060 and 3161(b), (h).

IT IS SO STIPULATED.

DATE: February 19, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

/S/  
Adam A. Reeves  
Assistant United States Attorney

DATED: February 19, 2009

THE OFFICE OF THE  
FEDERAL PUBLIC DEFENDER

/S/

Loren G. Stewart  
Counsel for Defendant  
ALEXANDER JAMES TRABULSE

For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing in this matter is continued to April 3, 2009, at 9:30 a.m. before the Honorable Bernard Zimmerman. The Court finds that good cause is shown and concludes that the continuance is proper under Rule 5.1(d) of the Federal Rules of Criminal Procedure and Title 18, United States Code, Sections 3060 and 3161.

The Court finds that the failure to grant the requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time from March 6, 2009 through and including, April 3, 2009 should be made under Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

Dated: February 20, 2009

Hon. Edward M. Chen  
United States Magistrate

